

COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission

Government Center South
402 West Washington Street
Indianapolis, Indiana 46204
Conference Room B

June 3, 2008

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman David Hannum at 9:01 a.m. June 3, 2008.

- (a) Commissioners were present at the Commission meeting:

Diana M. H. Brenner
Michael Christoffersen
Howard W. Cundiff, Vice-Chairman, representing the Commissioner, Department of Health
Kevin Goeden, representing the Commissioner, Department of Labor
David Hannum, Chairman
John Hawkins
M. Burke Jones
Ted Ogle
James Ridley

Commissioners not present at the Commission meeting:

Jay Gore
Michael Corey

- (b) The following departmental and support staff were present during the meeting:

Agency Support Services, Legal and Code Services
Mara Snyder, Director, Legal and Code Services
William Teegarden, Executive Administrative Law Judge
John Haines, Code Specialist
John Hibner, Code Specialist
Bob Robinson, Code Specialist
Beth Sutor, Secretary

2. **Old Business.**

Chairman Hannum called for any corrections or a motion to approve the minutes of the May 7, 2008 meeting as distributed. A motion to approve the minutes was made by Commissioner Brenner and seconded by Commissioner Jones. It was voted upon and carried.

3. **Ordinances, Third Party Inspection Renewals**

It was requested that the Ordinances and Third Party Renewals be heard later in the proceedings.

4. **Variances.**

Tabled Variances.

Variance 08-05-5 Indy Cigar Bar, Indianapolis, was represented by Steve Hoffman. The missing notification information had been submitted and the application was now complete. Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance 08-05-43 Horizons of Faith Addition, Indianapolis was represented by Ed Rensink, RTM Consultants. He reported that bids for the sprinkler system were \$85,000 or 25% of the total project budget. He noted that the occupancy loads were calculated using 7 square feet per person, and that the occupant load would actually be much less. They will separate the addition, except for the new hallway, with a 2-hour fire barrier and 90 minute doors. The hallway can be absorbed into the existing building and a fire shutter installed. After discussion, Commissioner Christoffersen moved to approve with the fire barrier, doors and fire shutter as conditions. Commissioner Brenner made the second. It was voted upon and carried. Variance 08-05-54(e) Carmel Regional Performing Arts Center, Carmel was represented by Dave Cook, Ralph Gerdes Consultants. Brandon Hogan, architect, assisted. The request was to omit fireproofing the exposed steel roof structure required by code. The attic will hold not combustible items, but will have stagehands changing out acoustic equipment for performances. The only room in the area affected is the follow spot room, and it comprises about 2% of the total area involved. Following discussion, Commissioner Hawkins moved to approve with the condition that the 150 square feet of ceiling by the ships ladder entrance to the follow spot room be rated. Commissioner Ridley made the second. It was voted upon and carried. Variance 08-05-57(b) had a request to table by the proponent. Commissioner Cundiff moved to table with the second by Commissioner Ogle. It was voted upon and carried.

5. **Ordinances.**

Mara Snyder, Director, Legal and Code Services, presented the background for the Greencastle Fire Ordinance to the Commission. Chief Bill Newgent and Assistant Chief Jeff Mace, Greencastle Fire Department, presented Fire Ordinance 2008-4. This ordinance involved the application of a sticker to the meter boxes upon the release of the certificate of occupancy. This sticker indicated the existence of engineered lumber within the structure and its location, allowing the responding fire unit to choose the most appropriate firefighting tactics since engineered lumber behaves differently at different temperatures from standard lumber. The ordinance on which this is based is being used in Florida, and has generated interest in fire departments in many states. Commissioner Christoffersen raised a concern that the use of the sticker would make residents think that a house with a sticker would be an unsafe house. Chief Newgent explained that he felt this misconception would be eliminated by education of the general population. Commissioner Christoffersen also expressed concern that insurance companies would treat structures with engineered lumber stickers as a higher risk than those buildings without the sticker. Chief Newgent felt education of the public would also dispel this notion as well. Commissioner Cundiff stated he believed the ordinance was not in conflict with the state code and should be considered. After discussion, Commissioner Ridley moved to approve with the second by Commissioner Cundiff. It was voted upon and carried with one nay vote being cast.

6. **Regular Variances.**

Variance #08-06-15 St. Elmo Steakhouse, Indianapolis, was called out for individual consideration. Commissioner Jones made the motion to approve the following variances with an "A" or "B" review rating by staff, with the second being made by Commissioner Ogle. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 08-06-1 Downtown Campus Expansion for American General Financial Services, Evansville
- (2) 08-06-2 Jackson Place, Columbus
- (3) 08-06-3 University of Evansville University Center, Evansville
- (4) 08-06-4 Infill Addition Accurate Castings Inc, LaPorte
- (5) 08-06-10(a)(b) Lutheran Child & Family Services, Indianapolis
- (6) 08-06-11(a)(b)(c) Children's Museum of Indianapolis New Intermodal Facility, Indianapolis
- (7) 08-06-12 Cosmopolitan on the Canal, Indianapolis
- (8) 08-06-13 Amazon.Com, Whitestown
- (9) 08-06-14(b) Ball State University North Residence Hall, Muncie
- (10) 08-06-17 Occupant Standpipe Hose Removal, Anderson
- (11) 08-06-18 Farmers Market, South Bend
- (12) 08-06-20 St. Francis Hospital Tower Addition, Indianapolis
- (13) 08-06-22 The Village at Muller Park Apartments, Bloomington
- (14) 08-06-23 Danville High School Auditorium, Danville
- (15) 08-06-24 Community Hospital South Expansion, Indianapolis
- (16) 08-06-27(d) The McCurdy Historic Renovation, Evansville
- (17) 08-06-29 Clarian West Medical Center Emergency Dept. Inpatient Bed and Central Plant Expansion, Avon
- (18) 08-06-30 Clarian Arnett Hospital, Lafayette
- (19) 08-06-32(a)(b)(c) Franklin Township Middle School, Indianapolis
- (20) 08-06-33 Cardinal Ritter Jr/Sr High School Fine Arts/Chapel Addition, Indianapolis
- (21) 08-06-34 Brownsburg Independent Living, Brownsburg
- (22) 08-06-35(a) Pittsboro Primary School, Pittsboro
- (23) 08-06-36 Walnut Street Lofts, Bloomington
- (24) 08-06-38 London Road Water Treatment Facility, Shelby County
- (25) 08-06-41 Mid Town Lofts, Bloomington

7. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 9:55 am. He then reconvened the meeting, calling it back to order at 10:07 am.

The following variances were heard separately:

- (26) 08-06-5 Chemical Storage Area Redesign, Seymour

Chris Bishop, ATC Associates, spoke as proponent. The request was to allow a redesign of the secondary containment system for 4 storage bays at the Seymour Tubing facility holding flammables, oils, acids and caustics which would not provide sufficient volume to be compliant. The trenches would hold the spill from the largest container in their respective storage areas, but would not contain the spill and a 20 minute fire protection water flow. Overflow would stay within the building due to elevated doors. Any fluid which did get outside would go into a retention pond. Concern was raised about the mixing of the contents of these storage areas during a spill. After discussion, Commissioner Hawkins moved to table with directions to the proponent to provide a plan for the prevention of the mixing of materials during an incident. The second was made by Commissioner Ridley. It was voted upon and carried.

- (27) 08-06-6 Partial Sprinkler System, Evansville

Steve Schmitt, owner of Don's Cleaners, spoke as proponent. The solvent used in dry cleaning will no longer be produced and they needed to change the chemicals. This change also means they now need to install sprinklers as they are allowed only 330 gallons on site. The three machines they have installed hold a total of 600 gallons of this fluid in sealed processes. There is no additional storage of this fluid. The area over the machinery is sprinklered, but the rest of the business is not. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

(28) 08-06-7 Gathering Kitchen Commercial Range, Bloomington

Les Compton, manager of AMVETS Post 2000, spoke as proponent. He requested they be allowed to omit the hood over a commercial range in the second kitchen. The primary kitchen which is used to do the cooking, is protected by a hood. This range is used to bake potatoes and to boil water or make sauces. After discussion, Commissioner Ridley moved to approve. Commissioner Ogle made the second. It was voted upon and carried.

(29) 08-06-8(b) Courtyard Doors Lincoln Trail Elementary, Lamar

Patricia Gilliland, Principal, spoke as proponent. The request was to allow the locking of courtyard doors when the building is not occupied. She explained that, each time a new inspector came through, the method used to secure the doors at night would have to be changed, and the school could not afford the constant cost of hardware changes. She asked to be allowed to return to the original keyed lock where the only keys were held by herself and the night custodian. After a lengthy discussion of the situation and possible remedies, Commissioner Christoffersen moved to approve with the condition that the doors would be secured only when the building was not occupied. Commissioner Brenner made the second. It was voted upon and carried with one nay.

(30) 08-06-9 Outokumpu Warehouse, New Castle

Dave Cook, Ralph Gerdes Consultants, spoke as proponent. A steel fabrication plant with limited combustibles wants to add a warehouse. The side of the plant involved has less than the required 60 feet of side yard between their building and the neighboring historic building which sits on a site with a 30 foot grade difference. The proponent did not have information as to: the height of the addition; if the neighboring owner had been contacted concerning a possible easement; or of any input from the local fire department. Commissioner Brenner moved to table to allow the proponent time to gather the information requested. Commissioner Ridley made the second. It was voted upon and carried.

(31) 08-06-10(c)(d) Lutheran Child & Family Services, Indianapolis

David Cook, Ralph Gerdes Consultants, spoke as proponent. This is a church-run organization assisting troubled children. The request for variance (c) was to allow the use of non-rated corridors in the classroom area of the building which will have a sprinkler system designed with Ordinary Hazard Group 1 density and spacing. After discussion, Commissioner Cundiff moved to approve with the second by

Commissioner Ridley. It was voted upon and carried. Variance (d) was to allow combustible materials in the form of glue laminated beams with steel decking to be used in the attic. This is to be only in a small area of the attic where they have a slope, and not over the flat roof sections. After discussion, Commissioner Christoffersen moved to deny with the second by Commissioner Ridley. It was voted upon and carried with two nay votes being cast.

- (32) 08-06-11(d)(e) Children's Museum of Indianapolis New Intermodal Facility, Indianapolis

Christina Colleston, RTM Consultants, spoke as proponent. At issue in variance (d) was the separation of exits in the lower level of the building. Their measurements proved them to be out of compliance by two and one-half feet. After discussion of site constraints and design issues, Commissioner Ogle moved to table. There was no second. Commissioner Christoffersen moved to deny with the second by Commissioner Brenner. It was voted upon and carried. Variance (e) involved a temporary egress variance. Per the proponent's wishes, Commissioner Ogle moved to table with the second by Commissioner Cundiff. It was voted upon and carried.

- (33) 08-06-14(a) Ball State University North Residence Hall, Muncie

The proponent requested the variance be tabled. Commissioner Christoffersen moved to table with the second by Commissioner Ogle. It was voted upon and carried.

- (34) 08-06-15(a)(b)(c) St. Elmo Steakhouse, Indianapolis

Tim Callas, J & T Consulting, spoke as proponent. The restaurant is remodeling in an effort to meet ADA requirements. Variance (a) was to allow openings into a stairway which are not normally occupied and (b) was to allow an unprotected opening in the stairway from the restaurant. The request in (c) was to allow a non-compliant headroom on the new landing due to an existing beam in the only location possible for the stairway. After discussion and the offer to install additional sprinkler heads and a promise to pad the beam in (c), Commissioner Christoffersen moved to approve all three variances with the addition of the sprinklers and beam padding with the second by Commissioner Cundiff. It was voted upon and carried with one nay.

- (35) 08-06-16(a)(b) Markey's Audio Visual, Indianapolis

Tim Callas, J & T Consulting, spoke as proponent. Variance (a) is to allow fire access roads which do not meet the 150 foot requirement. A meeting had been held with the responding fire department and the details of the access had been discussed and agreed upon. Commissioner Ridley moved to approve with the second by Commissioner Jones. It was voted upon and carried. Variance (b) was a request to omit smoke vents and mechanical smoke removal. The building will have an ESFR sprinkler system, and the proposed Indiana Building Code will permit the omission of smoke vents and mechanical smoke removal systems if an ESFR is installed. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

- (36) 08-06-19 South Bend Regional Airport Concourse A Expansion, South Bend

Christina Collester, RTM Consultants, spoke as proponent. Six gates are being added to the terminal building. The request was to use NFPA 415 and comply with section 4.5 for the building. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (37) 08-06-21 Orleans High School Additions and Renovations, Orleans

Ed Rensink, RTM Consultants, spoke as proponent. Construction will affect the exit doors from the gymnasium. Of the eight sets, two sets will be closed during construction which is expected to be completed by January, 2009. Occupancy of the gym will be limited to match the amount of egress provided by the six remaining exits. Commissioner Ridley moved to approve with the condition that the variance be in effect only until January 1, 2009. The second was made by Commissioner Jones. It was voted upon and carried.

- (38) 08-06-26 Avon High School Addition, Avon

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the use of temporary egress during construction. Meetings had been held with local officials and a listing of egress conditions agreed upon were provided for the Commissioners. After discussion, Commissioner Hawkins moved to approve. Commissioner Brenner made the second. It was voted upon and carried.

- (39) 08-06-27(a)(b)(c) The McCurdy Historic Renovation, Evansville

Ed Rensink, RTM Consultants, spoke as proponent. This is a Rule 8 rehabilitation of a building on the National Register of Historic Places. There will be a change of use, reverting to the original residential status. The request for variance (a) is permission to retain the existing doors and access panels. The request for (b) is to retain existing corridor doors and transoms which are not rated. A new corridor wall will be provided on the 8th floor which will be rated. The building is sprinklered, and owner will install additional sprinklers inside apartments at the doors and transoms. Commissioner Brenner moved to approve variances (a) & (b). It was seconded by Commissioner Cundiff, voted upon and carried. Variance (c) was a request to allow outside ducts to bring outside air into the corridor through ducts without smoke dampers. They will have fire dampers. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (40) 08-06-28 Hooters Restaurant Floor Repair, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The kitchen floor, which had been subjected to water damage for an extended period of time, was replaced without a 1-hour rated assembly, and was cited by Indianapolis for the omission. The existing building's basements do not have rated ceilings, and to install such a ceiling would be difficult due to the extensive utility elements running under the floor. After discussion, Commissioner Ridley moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (41) 08-06-31 Monroe County Correctional Center, Bloomington

Ed Rensink, RTM Consultants, spoke as proponent. In order to find enough space for use until a new facility is built, a doorway will be cut into the wall between two cell blocks. The request is to allow the use of an existing spiral stair to serve as the second exit instead of having to build a stair. The building is sprinklered. After discussion, Commissioner Christoffersen moved to approve. The second was made by Commissioner Jones. It was voted upon and carried.

8. . **Breaking and reconvening.** Chairman Hannum recessed the Commission at 11:59 am. He then reconvened the meeting, calling it back to order at 12:11 pm.

- (42) 08-06-35(b) Pittsboro Primary School, Pittsboro

Ed Rensink, RTM Consultants, spoke as proponent. The kindergarten through grade 2 facility has a 1,285 square foot raised platform for class presentations which is classified as a stage because of a flame-resistant curtain. Standpipes are required for this platform and will not be provided. The building is fully sprinklered, and an exterior fire department access is within 70 feet of the platform. After discussion, Commissioner Cundiff moved to approve. Commissioner Ridley made the second. The motion was voted upon and carried.

- (43) 08-06-37 Danco Anodizing, Warsaw

Mary Rudisel-Jordan and Jeff Rudisel, Searce Rudisel Architects, spoke as proponents. The request was to be allowed to omit sprinklers in eight rooms which are used to store or process chemicals which may be adversely affected by water. These chemicals are used in the anodizing process for artificial joint components. After discussion, Commissioner Brenner moved to approve with Commissioner Cundiff making the second. It was voted upon and carried.

- (44) 08-06-39 Camp Crosley New Multipurpose Building, North Webster

Christina Collester, RTM Consultants, spoke as proponent. The youth camp has a central multipurpose building with seven cabins surrounding it. One cabin was made accessible, but Plan Review had conditioned all the cabins to be made accessible when it released the CDR. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Brenner with the condition that a second cabin be made accessible. It was voted upon and carried.

- (45) 08-06-40(a)(b) Addition of Franklin United Methodist Community, Franklin

Robert Overton, InterDesign, spoke as proponent. The heart of the issue involved is the interpretation of Section 709 which regulates the corridor walls limiting the transfer of smoke. The proponent provided information supporting his position that the corridor walls he is providing limit the transfer of smoke. After discussion, Commissioner Cundiff moved that no variances were required. Commissioner Hawkins made the second. It was voted upon and carried.

- (46) 08-06-42 Davis Renovation, Lawrenceburg

Paul Muller, Muller Architects, and Greg Davis, owner, spoke as proponents. The building, listed on the National Register of Historic Places, is being remodeled to provide B occupancy on the ground floor and three residential units on the upper 2 floors, the third floor unit causing the sprinkler requirement. The owner intends to protect the residential floors from the ground floor by means of a 2-hour horizontal separation, and wishes to omit the sprinklers. In addition to the sprinkler issue, Mr. Davis was cited for not filing paperwork for a CDR, the result of the local officials incorrectly advising him. He is also lacking sealed drawings at this time. After lengthy discussions which included the architect, the owner, Walt Knaepple and Shelley Wakefield from Fire and Building Code Enforcement, and Tim Callas, the consultant, Commissioner Ogle moved to table for more information about mechanical, electrical and plumbing drawings that weren't stamped by a registered architect or professional engineer. Commissioner Ridley made the second. It was voted upon and carried.

- (47) 08-06-25(a)(b)(c) SMC Corporation of America, Noblesville

Christina Colleter, RTM Consultants, spoke as proponent. The building is half factory and half warehouse, and fully protected by an ESFR sprinkler system. Variance (a) is to allow increased travel distance in the pick rack area. There are a total of four people per floor that work in this section to put order pieces on a conveyer belt. They are familiar with the area and the array of conveyers. Variance (b) deals with common path of travel in the same area for the same people. After discussion, Commissioner Hawkins moved to approve both with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (c) was for access roads which did not surround the facility as required by code. A plan for the modification of the roads has been provided. Commissioner Christoffersen moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

9. **Ordinances.**

Building Ordinance No. 2-2008
North Manchester, Indiana

Shelley Wakefield, Director, Fire and Building Code Enforcement, had reviewed the proposed ordinance and recommended its approval. Commissioner Ridley moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

10. **Third Party Inspections.**

Pyramid1, Inc.
19260 County Road 46
P.O. Box 463
New Paris, IN 46553

Shelley Wakefield, Director, Fire and Building Code Enforcement, had reviewed the application and recommended approval. Commissioner Cundiff moved for approval for one year. Commissioner Jones made the second. It was voted upon and carried.

11. **New Business – General.**

Discussion and Possible Commission Action

Ultimate Place 2B
Administrative Cause No. 07-22
LFO Order
Nonfinal Order of Dismissal

Commissioner Cundiff moved to accept the Nonfinal Order of Dismissal. Commissioner Ogle made the second. It was voted upon and carried.

Central Middle School
Administrative Cause No. 08-17
Variance Not Required
Remand to the Commission

Commissioner Ridley moved to accept the remand and table for thirty days. Commissioner Ogle made the second. It was voted upon and carried.

Discussion and Commission Action On Petitions For Review (All are timely filed unless otherwise noted.)

Jungle Room Bar and Grill
Order – Bloomington Fire Department

Brebeuf Jesuit Preparatory School
Order – Pike Twp. Fire Department

South Ripley Elementary School Kindergarten 2008 Addition
Conditions of CDR

South Ripley Jr/Sr High School 2008 Addition and Renovation
Conditions of CDR

Parker Building
Denial of Variance 08-05-33

East High Street Row Houses

Order – Fire and Building Code Enforcement

Big Boom Fireworks Scottsburg Store
Denial of Application for Certificate of Compliance

Commissioner Cundiff moved to grant the petitions for review. Commissioner Christoffersen made the second. It was voted upon and carried.

Franklin United Methodist Community
Order – Fire and Building Code Enforcement

Withdrawn by proponent.

Garvin Industrial Associated
Order – Fire and Building Code Enforcement

The original order was not timely filed, however the amended order was appealed in a timely manner. It was decided, therefore, to grant the appeal as timely filed. Commissioner Christoffersen moved to accept with the second by Commissioner Ogle. It was voted upon and carried.

12. **Discussion of “water attractions” with respect to the Swimming Pool Code.**

John Hibner, Code Specialist, Code and Legal Services, asked the Commission for direction as to how the Swimming Pool Code Committee should proceed in regards to water attractions. Howard Cundiff, Department of Health, noted that water attractions, in most cases, had a body of water in common. They are, therefore, subject to the same problems as swimming pools and should have the same regulations. It was stated that anything which re-circulates water should be looked at by the committee.

13. **Comments.**

Mara Snyder, Director, Code and Legal Services, had provided the members of the Commission at the last meeting with a memo and attached rule text which will sunset if not readopted. She asked if anyone had any questions or comments with nothing brought forward. She reminded the Commission that more issues were to come before them from the Dearborn County inspections.

14. **Adjournment.**

Chairman Hannum called for further business. There being none, he adjourned the meeting at 1:56 p.m.

APPROVED

David Hannum, Chairman